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SUBJECT: EQUATORIAL GUINEA: ADDITIONAL STEPS TAKEN TO REFORM JUSTICE SYSTEM

REF: A)MALABO 42 (AND PREVIOUS), B)MALABO 33, C)MALABO 23

¶1. (SBU) On Sunday, May 16 Minister of National Security Obama Nchama called A/COM to say the dissuasive measures taken by Equatoguinean security forces (increased patrols, identity checks, police and military presence around key installations) had been effective in mitigating the recent threat of attack from outside forces. He thanked us for facilitating information exchange with U.S. petroleum companies present in Equatorial Guinea (EG).

¶2. (SBU) He went on to make additional points. He said, "as you suggested" EG had accelerated completion of the new Malabo police station and had begun movement of prisoners from the old Malabo city jail (singled out for special criticism by UN Special Rapporteur on torture and other cruel and unusual punishment Manfred Nowak -- REF A). This advances the schedule by at least three months (originally planned for August). He extended an invitation for embassy representatives for a tour of the new facility (reported SEPTEL).

¶3. (SBU) Obama also confirmed receipt of anti-torture posters (see REF A, C -- ordered from the printing company in Spain). He said the first posters were being placed at airports and border crossings, and that he had called a meeting of "all police commissioners" to underscore the illegality of mistreatment of prisoners, to issue posters for each police station for "prominent display" and to undertake a planned press roll-out.

¶4. (SBU) In a separate conversation with Minister of Justice Salvador Ondo Nkumu, he confirmed his ministry would follow suit to place posters in the country's three prisons (NOTE: Administration of police lock-ups and prisons in EG is separate, falling under these separate ministries). He said a contract had been signed to begin construction of a fourth (new) prison in Ebebiyin, in the country's far north-east corner. This would relieve crowding in remaining prisons. In addition, Ondo reported that he had succeeded in shepherding the justice reform law through the EG parliament, which passed last week and has now been signed into law. He committed to provide the embassy a copy of the final version as soon as it is printed (REF A). Our review of previous draft language indicates the new law makes a clean break with the Franco-era legal system that has remained in place since EG's independence. Ondo is now embarked on a tour of the country with EG supreme court justices in order to familiarize local judges with the changes in store. (See REF B

for additional background)

The Changing Face of EG's Supreme Court

¶15. (SBU) We also had a recent opportunity to meet with one of the new members of EG's Supreme Court. Marcadio Ondo Ndong is in his late 30's, was trained in theology and law in Spain, and has broad experience in the area of human rights law. Marcadio is known to embassy, having conducted key elements of human rights training under the MPRI security forces professionalization program up until a year ago, when he became EG's representative to the CEEAC (Economic Community of Central African States) Human Rights Commission in Libreville. During President Obiang's March 2009 justice system reshuffle, he asked Marcadio to return to take a seat in the reconstituted Court.

¶16. (SBU) Marcadio is a strong proponent of human rights, locally known for recently forcing a prominent police official to free a detainee who was being held without charges in a village lockup. He is a strong supporter of the rule of law, and told us he "would not be participating if it wasn't clear that respect for the law was a priority for EG's leadership." He blamed ignorance, poverty and lack of information as contributing to the bad reputation of EG's justice system. He opined the new law (see PARA 4 above), coupled with improving information and better education would help the country move forward. "Until now almost any official of the State could act as a judge, order detentions and sentence suspects, regardless of their background and level of education," he said. "This had to change."

MALABO 00000043 002 OF 002

¶17. (SBU) Marcadio also informed us that EG's Supreme Court was comprised of justices with similar educational backgrounds for the first time since independence. "In the past we had judges who had trained in Cuba, the USSR, in Latin America, in China -- everywhere. It was the 'tower of Babel.' Now everyone has been educated in Spain and has the same base. This will improve our communication and effectiveness," he said.
SMITH